

ORDINANCE NO. R- 2016-25

TAX CODE(S) 82-06-13-013-160.005-027

AN ORDINANCE TO REZONE CERTAIN REAL ESTATE IN THE CITY OF EVANSVILLE, INDIANA, AS FOLLOWS, TO WIT: 4913 Old Boonville Highway, Evansville, IN 47715

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF EVANSVILLE, INDIANA, AS FOLLOWS, TO WIT:

Section 1: That Ordinance no. G-82-51, being the Municipal Code of the City of Evansville, Indiana, 1982, and more particularly Title XV, Chapter 153, by making certain changes in Atlas 1, which is made part of said section with respect to the following described real estate located in the City of Evansville, Vanderburgh County, State of Indiana:

Lot 4 in Highway Homes, an Addition lying near the City of Evansville, as per plat thereof, recorded in Plat Book G, page 281, 282 & 283, in the office of the Recorder of Vanderburgh County, Indiana.

Subject to all easements and rights-of-way of record.

by changing the zoning classification of the above-described real estate from R-1 to M-2, and said real estate is hereby so rezoned and reclassified.

Section 2. The Director of the Area Plan Commission of Evansville and Vanderburgh County is hereby authorized and directed, upon the enactment and approval of this ordinance, to cause the change to be made on said Atlas 1 as set out in Section 1 of this Ordinance, and to make notation in ink thereon of reference to the number of this ordinance and the date of final publication of the amendatory ordinance after its passage and approval; however, failing to do so shall not invalidate this Ordinance.

Section 3. This ordinance shall be in full force and effect from and after its passage by the Common Council, its approval by the Mayor, and its publication as required by law, which publication is now ordered.

Section 4. The subject property herein rezoned shall be used and developed only in accordance with the use and development commitment which is incorporated as part of this Petition for Rezoning and recorded in the office of the Recorder of Vanderburgh County, Indiana, on _____ at Instrument No. _____. No improvement location permits shall be issued unless the proposed uses is in compliance with said recorded use and development commitment.

Passed by the Common Council of Evansville, Indiana, on this _____ day of _____, 2016.

ATTEST: _____
City Clerk

President

Presented to me, the undersigned, City Clerk of the City of Evansville, Indiana, to the Mayor of said city, the _____ day of _____, 2016.

City Clerk

Having examined the foregoing Ordinance, I do now, as Mayor of the City of Evansville, Indiana, approve said Ordinance, and return same to the City Clerk this _____ day of _____, 2016, at _____ o'clock _____.

Mayor of the City of Evansville, Indiana

This instrument was prepared by : Bradley J. Salmon, Terrell Baugh Salmon & Born, LLP, 700 S. Green River Road, Suite 2000, Evansville, IN 47715.

I affirm, under the penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.

FILED

AUG 08 2016

Anna Widner
CITY CLERK

USE AND DEVELOPMENT COMMITMENT

WHEREAS, the undersigned, James E. Lile and Brenda F. Lile, Petitioners, are the owners of certain real estate situated in the City of Evansville, Indiana, commonly described as 4913 Old Boonville Highway, Evansville, Indiana, 47715, which real estate is more particularly described as follows, to wit:

Lot 4 in Highway Homes, an Addition lying near the City of Evansville, as per plat thereof, recorded in Plat Book G, pages 281, 282 & 283, in the office of the Recorder of Vanderburgh County, Indiana.

Subject to all easements and rights-of-ways of record

Parcel No. 82-06-13-013-160.005-027.

WHEREAS, as the real estate is currently classified as a R-1 Zoning District under the Evansville Zoning Code and is so indicated on the zoning maps maintained by the staff of the Evansville Vanderburgh County Area Plan Commission; and

WHEREAS, Owners have requested that the Real Estate be reclassified to zoning district M-2; and

WHEREAS, Owners are desirous of accommodating the concerns of the surrounding property owners by making a written commitment concerning the use and development of the Real Estate pursuant to I.C. 36-7-4-1015;

NOW, THEREFORE, in consideration of the foregoing, Petitioner makes the following use and development commitment:

1. The use of the Real Estate shall be limited to the following:

– For the storage and sale of trailers.

The following uses shall *not* be permitted on the subject property:

- The following listed uses in Use Group 8: package liquor store; business school, commercial trade school; department store; bar; nightclub; pool and billiard room; tavern and restaurant serving alcoholic beverages; theater; automotive service station;
- The following listed uses in Use Group 9: Off-track betting facility; riverboat gaming operations;
- All uses in Use Group 10 except tool sharpening or grinding; storage warehouse; Automobile repair and specialized service, excluding overhauling, rebuilding, painting, and body work.
- All uses in Use Group 11 except trailers; trailer repair;
- All uses in Use Group 13 except Boat parts, accessories, and equipment manufacture, not involving foundry or forging operations;
- All uses in Use Group 15, except trailer assembly and storage yard;
- All uses in Use Group 19
- All uses in Use Group 21

2. **Term**: The commitments and undertakings herein made and expressed shall terminate, expire and be of no further force or effect if the Real Estate should be rezoned due to the filing of some subsequent petition to amend the zoning classification of the Real Estate.

3. **Effective Date:** This Commitment shall be recorded in the office of the Recorder of Vanderburgh County, Indiana, and shall take effect upon the adoption of the zoning classification of the Real Estate from R-1 with a Use and Development Commitment to M-2 with a Use and Development Commitment Zoning District.
4. **Binding Effect: Enforcement: Attorneys' Fees.** All commitments and undertakings herein expressed shall be binding on the Owner and the Owners' heirs, legal representative, successors and assigns, and shall run in the favor of the Area Plan Commission of Evansville-Vanderburgh County and all the owners of real estate lying within the radius of one (1) mile from the real estate described and shall be enforced by invoking any legal, equitable or special remedy, including specific performance, injunction or equitable relief pursuant to the manner of enforcement as set forth in **36-7-4-1015**. If it is necessary to initiate administrative or judicial proceedings to enforce any such commitment or undertaking, the person or entity obtaining enforcement in such proceedings shall also recover its reasonable attorneys' fees and costs of suit from the undersigned.

IN WITNESS WHEREOF, this Use and Development Commitment is hereby made and entered into this 5 day of August, 2016, by James E. Lile and Brenda F. Lile, for the purpose set forth herein.

James E. Lile
JAMES E. LILE, OWNER

Brenda F. Lile
BRENDA F. LILE, OWNER

STATE OF INDIANA)
)SS:
COUNTY OF VANDERBURGH)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within-named James E. Lile and Brenda F. Lile, who acknowledged the execution of the foregoing Use and Development Commitment and who, having been first duly sworn, stated that the representations contained therein are true.

WITNESS my hand and Notarial Seal this 5th day of August, 2016.

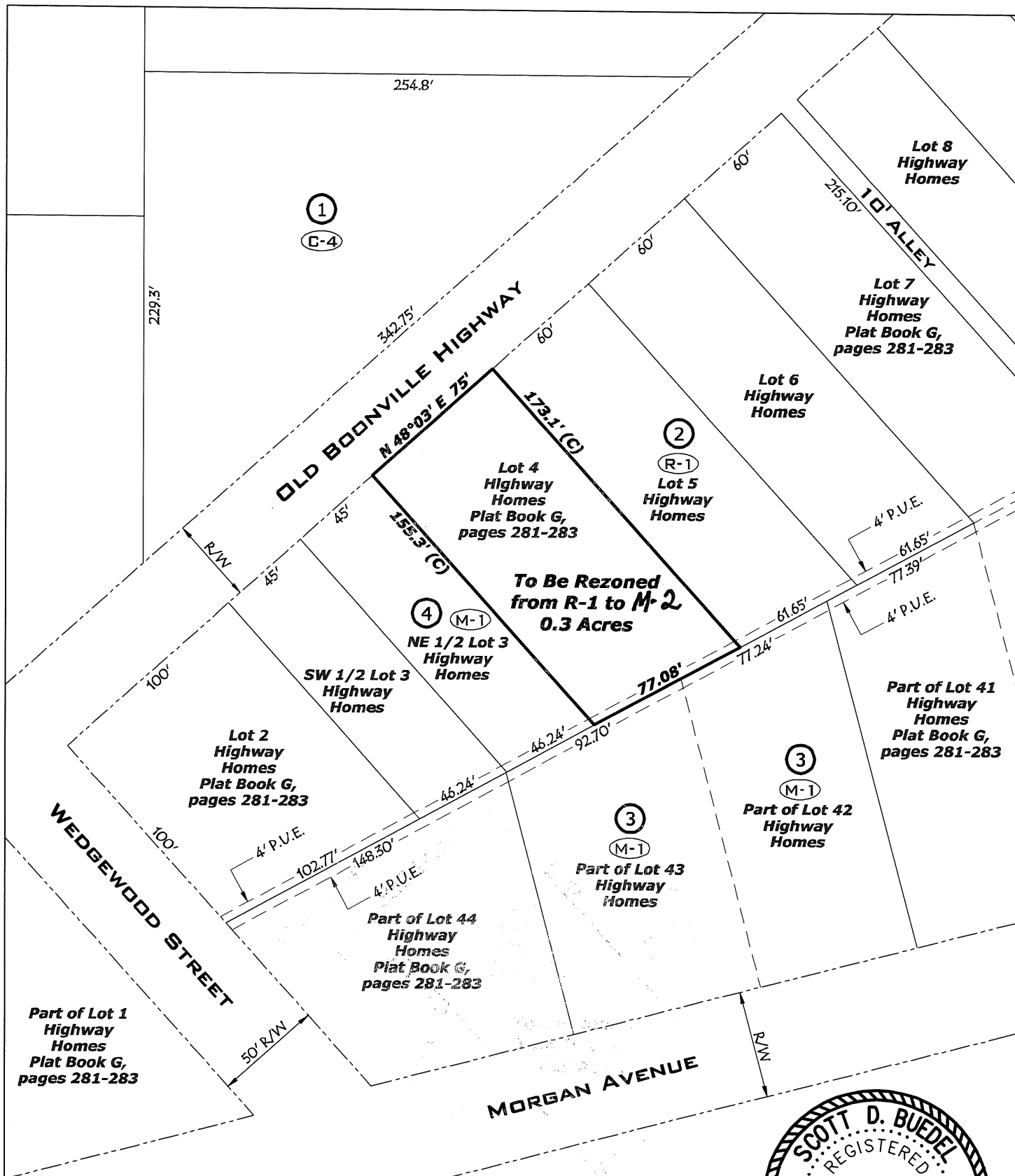
My Commission Expires: March 18, 2023

Bradley J. Salmon
Notary Public
Resident of Vanderburgh County, Indiana

This Instrument was prepared by **Terrell, Baugh, Salmon & Born, LLP**, by **Bradley J. Salmon**, 700 S. Green River Road, Suite 2000, Evansville, Indiana, 47715, (812-479-8721)

I, the undersigned preparer of the attached document, in accordance with IC 36-2-7.5, do hereby affirm under the penalties of perjury that I have reviewed the attached document for the purpose of identifying and, to the extent permitted by law, redacting all Social Security numbers.

Bradley J. Salmon
Bradley J. Salmon



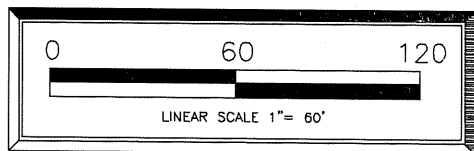
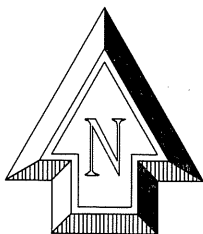
EXISTING OWNER INFORMATION

82-06-13-013-160.005-027 James E. & Brenda F. Lile 4909 Old Boonville Highway Evansville, IN 47715 Document 2012R00005780



ADJOINER INFORMATION

① 82-06-13-017-151.018-027 Greer Investments, LLC 316 Pioneer Court Boonville, IN 47601	③ 82-06-13-013-160.033-027 82-06-13-013-160.034-027 M. Brent St. Clair & David St. Clair 900 Gabriel Drive Evansville, IN 47725
② 82-06-13-013-160.006-027 Theresa G. Hernandez 4919 Old Boonville Highway Evansville, IN 47715	④ 82-06-13-013-160.004-027 Deborah L. & Timothy P. Elliot 4911 Old Boonville Highway Evansville, IN 47715



PROJECT NO.: 16-2484	PROJECT: 4913 OLD BOONVILLE HWY
DRAWN BY: JAF	CLIENT: TERRELL, BAUGH, SALMON & BORN, LLP
FILENAME: 2484 REZONING EXHIBIT.DWG	SHEET TITLE: REZONING EXHIBIT LOT 4 IN HIGHWAY HOMES EVANSVILLE, IN 47715
SCALE: 1" = 60'	
DATE: 7/27/2016	



CASH WAGGNER & ASSOCIATES

CONSULTING ENGINEERS • LAND SURVEYORS
WWW.CASHWAGGNER.COM

414 CITADEL CIRCLE
SUITE B
EVANSVILLE, IN 47715
PH: 812.401-5561
FAX: 812.401-5563

VERIFIED PETITION FOR REZONING

2016-27-PCORDINANCE NO. R- 2016-25COUNCIL DISTRICT: Ward 5, Justin Elpers

PETITIONER James E. Lile and Brenda F. Lile PHONE (812) 477-3966
 ADDRESS 4901 Old Boonville Hwy, Evansville, IN ZIP CODE 47715
 OWNER OF RECORD James E. Lile and Brenda F. Lile PHONE (812) 477-3966
 ADDRESS 4901 Old Boonville Hwy, Evansville, IN ZIP CODE 47715

- Petition is hereby made for the amendment of the "Zoning Maps" of the Area Plan Commission of Evansville and Vanderburgh County, pursuant to the Indiana Code and the Municipal Code of Evansville.
- Premises affected are on the NE side of Old Boonville Hwy a distance of 190 feet N (N.S.E.W.) of the corner formed by the intersection of Wedgewood St and Old Boonville Hwy
 Registered Neighborhood Association (if applicable) N/A

LEGAL DESCRIPTION:

SUBDIVISION Highway Homes BLOCK LOT NO. 4
 (where applicable - if not in a subdivision, insert legal here or attach to ordinance)

- The commonly known address is 4913 Old Boonville Hwy, Evansville, IN 47715
- The real estate is located in the Zone District designated as R-1
- The requested change is to (Zone District) M-2
- Present existing land use is Residential
- The proposed land use is Sale and Storage of Trailers
- Utilities provided: (check all that apply)
 City Water X Electric X Gas X Storm Sewer X
 Sewer: Private Public X Septic
- All attachments are adopted by reference.
- The owner, or attorney for the owner, hereby certifies that the owner of record shown above owns 50% or more of the area of the above described real estate. I affirm under the penalties for perjury that the foregoing representations are true.

(REQUIRED) Signatures:

DATE 8-5-16 PETITIONER James E Lile Brenda F Lile
 (when signed) PRINTED NAME James E. Lile and Brenda F. Lile

DATE 8-5-16 OWNER OF RECORD James E Lile Brenda F Lile
 (when signed) PRINTED NAME James E. Lile and Brenda F. Lile

REPRESENTATIVE FOR PETITIONER NAME Bradley J. Salmon
 (Optional) ADDRESS/ZIP 700 S. Green River Rd., Ste. 2000, Evansville, IN 4771
 PHONE (812) 479-8721

FILED

AUG 08 2016

Anna Winder
 CITY CLERK

GREEN RIVER

M-1

R-1

C-1

C-1

OLD BOONVILLE

REZONE FROM R-1 TO M-2

R-1

C-2

WEDGEWOOD

MORGAN

OAK GROVE

M-2